

1977

c 4 The Unified Family Court Amendment Act, 1977

Ontario

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CHAPTER 4

**An Act to amend
The Unified Family Court Act, 1976**

Assented to June 29th, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 3 of *The Unified Family Court Act, 1976*, being chapter 85, is amended by inserting after "Court" in the third line "and a judge of a surrogate court". s. 3 (1),
amended
- (2) Subsection 2 of the said section 3 is amended by inserting after "Court" in the third line "and a judge of a surrogate court". s. 3 (2),
amended
- (3) Subsection 3 of the said section 3 is amended by striking out "under the statutory provisions" in the second line. s. 3 (3),
amended
- (4) Subsection 4 of the said section 3 is amended by, s. 3 (4),
amended
 - (a) striking out "or" in the second line and inserting after "division" in the third line "or a judge of a surrogate court"; and
 - (b) striking out "or" in the fourth line and inserting after "division" in the fifth line "or a surrogate court".
- (5) Subsection 4 of the said section 3 is further amended by striking out "under the statutory provisions" in the sixth line. s. 3 (4),
amended
- (6) Subsections 1, 2 and 4 are repealed on a day to be named by proclamation of the Lieutenant Governor. Repeal of
subss. 1, 2, 4
2. Subsection 1 of section 4 of the said Act is amended by striking out "under the statutory provisions" in the second line and inserting in lieu thereof "in the matters". s. 4 (1),
amended
- 3.—(1) The said Act is amended by adding thereto the following section: s. 5a,
enacted

Enforcement
of orders
under
R.S.O. 1970,
c. 369, s. 25

5a.—(1) Section 25 of *The Provincial Courts Act* applies, with necessary modifications, to the filing of judgments or orders in the Court and their enforcement, and judgments and orders filed in the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth under the said section 25 shall be transferred to and be deemed to be filed in the Court.

Variation
of orders
under
R.S.O. 1970,
c. 128

(2) The jurisdiction of the Court under section 8 of *The Deserted Wives' and Children's Maintenance Act* to rehear applications applies notwithstanding that the original order was made by a judge of the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth.

Repeal of
section

(2) This section is repealed on a day to be named by proclamation of the Lieutenant Governor.

s. 23,
amended

4. Section 23 of the said Act is amended by adding thereto the following subsections:

Application
of subs. 1
to proceed-
ings already
commenced

(2) Where a proceeding is commenced in the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth before subsection 1 comes into force and no evidence has been heard in the proceeding before subsection 1 comes into force, other than in respect of an interim order, the proceeding shall be deemed to be an application in the Unified Family Court subject to such directions as the court considers appropriate.

Idem

(3) Notwithstanding subsection 1, the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth continues to exist for the purpose of completing proceedings commenced in it before this section comes into force and to which subsection 2 does not apply.

Enforcement
of orders

(4) The Court may enforce orders made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth in place of that court.

s. 24,
re-enacted

5. Section 24 of the said Act is repealed and the following substituted therefor:

Repeal

24. This Act is repealed on the 1st day of July, 1980.

Schedule,
re-enacted

- 6.—(1) The Schedule to the said Act is repealed and the following substituted therefor:

SCHEDULE

Jurisdiction in respect of actions for alimony and under the following statutory provisions:

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Children's Maintenance Act</i>	All
<i>The Deserted Wives' and Children's Maintenance Act</i>	All
<i>Divorce Act (Canada)</i>	All
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Infants Act</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Marriage Act</i>	Sections 9 and 11
<i>The Married Women's Property Act</i>	Section 12
<i>The Matrimonial Causes Act</i>	Sections 1 to 4
<i>The Minors' Protection Act</i>	Section 2
<i>The Parents' Maintenance Act</i>	All
<i>The Partition Act</i> in so far as its application is ancillary to an order under section 12 of <i>The Married Women's Property Act</i>	All
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

- (2) On a day to be named by proclamation of the Lieutenant Governor, the Schedule to the said Act, as re-enacted by subsection 1, is repealed and the following substituted therefor:

SCHEDULE

Jurisdiction under the following statutory provisions:

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II and IV

<i>The Children's Boarding Homes Act</i>	Section 10
<i>Divorce Act (Canada)</i>	All
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Family Law Reform Act, 1977</i>	All, except Part V
<i>The Infants Act</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Marriage Act, 1977</i>	Sections 6 and 9
<i>The Minors' Protection Act</i>	Section 2
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

Commence-
ment

7.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3 and 4 come into force on the 1st day of July, 1977.

Short title

8. The short title of this Act is *The Unified Family Court Amendment Act, 1977*.